

U.S. Application No. 09/855,804 Examiner Jason E. Mattis Art Unit 2665  
Request for Reconsideration to December 14, 2005 Office Action

### REMARKS

In response to the Office Action dated December 14, 2005, Assignee respectfully requests reconsideration based on the following remarks. Assignee respectfully submits that all pending claims (1-21 and 23-29) are in condition for allowance.

The United States Patent and Trademark Office (the "Office") rejected claim 28 under 35 U.S.C. § 102(e) as being anticipated by *Dolan* (U.S. Patent No. 6,477,246), rejected claims 1-8, 11-18, 21, 23-25, and 29 under 35 U.S.C. § 103(a) as being unpatentable over *Dolan* in view of *Hoopes* (U.S. Patent No. 6,058,171), and rejected claims 9-10, 19-20, and 26-27 under 35 U.S.C. § 103(a) as being unpatentable over *Dolan* in view of *Hoopes* as applied to claims 1-8, 11-18, 21, 23-25, and 29 above, and in further view of *Taylor* (U.S. Patent No. 6,922,411). The Assignee shows, however, that the pending claims are not fully disclosed in the cited references nor are the pending claims anticipated, nor obviated, by the cited references. Thus, the Assignee respectfully submits that the pending claims (1-21 and 23-29) are ready for allowance.

#### **§ 102 Rejection:**

The office rejected claim 28 under 35 U.S.C. § 102(e) as being anticipated by *Dolan*. (hereafter referred to as "*Dolan*") (U.S. Patent No. 6,477,246). A claim is anticipated only if each and every element is found in a single prior art reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir.1987). See also DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, the reference to *Dolan* fails to include every element of the pending claims. The reference to *Dolan*, then, does not anticipate this invention, and Assignee respectfully requests that the Office remove the 35 U.S.C. § 102(e) rejection of claim 28.

Independent claim 28 generally discloses a method for associating a subscriber number with priority caller information that includes BOTH a priority caller number and

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a priority caller code, detecting an incoming call and determining if the incoming call comprises the priority caller information, and executing a priority action based on a *priority caller number AND a priority caller code, the priority caller code comprising the priority action for processing an incoming call.* See independent claim 28 presented below.

28. A method comprising the steps of:

associating a subscriber number of the subscriber with priority caller information, the priority caller information comprising a *priority caller number and a priority caller code, the priority code comprising an instruction for executing a priority action for processing an incoming communication;*

storing the subscriber number and the priority caller information in a database;

detecting the incoming communication to a telephone line of a subscriber, the telephone line comprising the subscriber number;

consulting the database to determine whether the incoming communication comprises the priority caller information; and

executing the priority action if the incoming communication comprises the priority caller information, the priority action comprising an action to generate an outgoing call to another telephone associated with another telephone line, an action to generate an outgoing call to a wireless telephone associated with the subscriber, and an action to establish a communication session among the incoming communication and a computer associated with the subscriber.

U.S. Patent Application No. 09/855,804, claim 28 (emphasis added by Assignee).

*Dolan* does not disclose or otherwise suggest the claimed subject matter of claim 28.

FIG. 1 is a schematic representation of the organization of one embodiment of the present invention. FIG. 1 shows a first entity 20 connected to the Public Switched Telephone Network (PSTN) 21. A second entity 22 is also connected to the PSTN 21. *The second entity 22 is illustrated as having a first device 23 indirectly connected to the Internet 26 through a PSTN 21 provided dial-up connection shared with the telephone of the second entity 22. The second entity 22 is also shown to have a second device 24 directly connected to the Internet 26. Both devices-host a software based Command Center 25.* The devices may or may not be logged onto the Internet 26. FIG. 1 also shows a local exchange switch 27 connected to the PSTN 21. The system directs the call and the call information of the first entity 20 through the PSTN 21 to the

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local exchange switch 27 and then to a gateway 28; said gateway can be implemented as a local gateway 28A near the switching system 27 or a centralized gateway 28B near the server 29. *The gateway forwards the call information to the Server (or array of Servers) 29 which then communicates to the Command Center 25 over an Internet Protocol connection that is by a plurality of means, including a single phone line dial up connection (e.g. as shown in the case of the first device 23) an always on landline home connection (for example as shown in the case of the second device 24) an always on landline office connection or an always on wireless connection. The Server 29 and the Command Center 25 then interact to coordinate the dialog with the first entity 20 over the PSTN 21 and the second entity 22 over the appropriate device 23 or 24.*

Referring now to FIG. 2 of the drawings, an example of a typical screen for command center 25 a control panel is shown. It should be understood that the control panel may have messages on it other than the ones shown in the figure. The control panel of FIG. 2 would typically show up in a small area of the monitor screen of the subscriber's device desktop (e.g. computer) 23 & 24. For example, the control panel of FIG. 2 may occupy only a 1 inch by 2 inch corner of the screen. *The control panel of FIG. 2 displays status of the incoming call and allows the second entity 22 to coordinate interactions with the server 29.* The command center interface supports a plurality of call control inputs including a) no input b) transfer call over circuit switching network c) take call over Internet Protocol d) reoriginate the call over circuit switched or Internet Protocol network e) have the server interact with the caller to provide information or record the audible signal.

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Referring now to FIG. 4, there is shown a schematic diagram of the call handling process. Box 35 indicates the arrival of an incoming call. *The options may include forward the call, call forward no-answer, forward the call always, and it may provide for switching the call to a different telephone number, for example that of a cell phone or other device. The caller may be presented with voice mail type options. For example, if you wish to talk with Mr. Jones, press 1, if you wish to talk with Mrs. Jones press 2, if you wish to talk with Susie Jones press 3. The caller may be required to give a touch tone ID, or to provide a touch tone ID of the called party. The dialog process is for the purpose of obtaining as much information as possible as to who is calling, which family member is being called, and why. The caller may be asked to speak a message into the telephone as would be done with an answering machine. This message is recorded and passed on to the subscriber so that he can listen to it to aid him in making the call handling decision. As shown at box 37, the caller's telephone number is noted by the central server 29, or the caller is prompted to unblock the telephone number. Box 36 indicates that a dialog*

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is conducted by the central server 29 with the caller. Box 38 shows the call handling decision. The system identifies the first entity by the following methods: detecting caller ID and or called number information from the call information received from the switch, by means of voice prompts from the system and tone response from the first entity by which the first entity identifies their number, or the person whom they are calling, or by means of capturing an audible signal from the first entity.

The central server 29 may go through a process of locating the subscriber. This is illustrated in FIG. 5. This service is sometimes referred to as find me/follow me. As indicated in FIG. 5, the subscriber may have his home number logged on line for the Internet as indicated in block 40. However, the subscriber may have an additional home number as shown in block 41 or the subscriber may have a business number as shown in block 42. The subscriber may have a personal number as in block 43, or a special number classed as a single purpose number as in block 44. In addition the subscriber may have a cell phone 45 or a pager 46.

It should be understood that as the central server 29 goes through the processes of locating the subscriber, the caller is not aware of any of the procedures that the central server 28 is going through. The caller is unaware of any of the special numbers that the subscriber may have, or equipment such as pagers or cell phones.

It is not necessary for the equipment used by the system such as the central server 29 to be located close to the subscriber or close to the called number. For example, as shown in FIG. 6, the POTS Network 31 can be connected through a Telco central office 47 via the SS7 32 by way of wireless connections 48 or by way of land line connections 50 to the server 29 at a remote location.

It should be understood that the message store memory 33 shown in FIG. 3 may include a list of numbers that the subscriber wishes to speak to always. These may be family members, or business partners, or the like. These may be added to at the subscriber's discretion. Other instructions for call handling may be recorded in the message store memory 33. One of the first things done by the central server 29 is to check to see if there are special instructions for handling of a given incoming call. FIG. 7 shows a sequence of steps on a flow chart indicating the handling of a call. The first box 51 is "begin". Box 52 is "placing a call from a first entity to a second entity". Box 53 is "receiving the call at a local exchange switch". The next step is shown in box 54 as "identifying a number of the first entity". Box 55 is "directing the call and the number of the first entity to a gateway". Box 56 is "directing the call, call information, and the number of the first entity to a server". Box 57 is "determining whether the Command Center of the second entity is communicating with the server". Box 58 is "sending a message to the Command Center indicating the